

Message Text

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ACTION EUR-12

INFO OCT-01 IO-11 ISO-00 AGR-10 AID-05 CEA-01 CIAE-00

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 7206

INFO AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY PARIS

AMEMBASSY THE HAGUE

AMEMBASSY ROME

USMISSION EC BRUSSELS

USDEL MTN GENEVA

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E.O. 11652: N/A

TAGS: ETRD, GW

SUBJECT: FRG HEALTH INSPECTION FEE ON

PROCESSED IMPORTED MEAT PRODUCTS RULED

IN VIOLATION OF EC TREATY

REF: BONN 03890

1. IN AN APPARENT REACTION TO THE EC COURT DECISION
DESCRIBED IN REFTEL, A MANNHEIM ADMINISTRATIVE COURT
HAS RULED THAT THE INSPECTION FEE SYSTEM EMPLOYED
BY FRG HEALTH AUTHORITIES ON PROCESSED MEAT PRODUCTS
IMPORTED FROM EC COUNTRIES VIOLATES THE EC TREATY.
THE COURT FOUND THAT THE FEE CHARGED BY HEALTH
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AUTHORITIES FOR INSPECTING PROCESSED MEAT PRODUCTS

AT THE POINT OF ENTRY INTO THE FRG CONSTITUTED AN IMPORT TARIFF AND THUS WAS CONTRARY TO ARTICLE 37 OF THE EC TREATY AND TO THE EC BEEF AND PORK MARKETING AGREEMENT AS WELL. THE COURT CONCLUDED THAT DISCRIMINATION WAS BEING PRACTICED AGAINST FOREIGN PROCESSED MEAT PRODUCTS SINCE DOMESTIC PRODUCTS WERE NOT SIMILARLY INSPECTED AND THUS NOT SUBJECT TO AN INSPECTION FEE.

2. GERMAN MEAT PROCESSORS PAID AN INDIRECT INSPECTION FEE IN THAT SLAUGHTERHOUSES INCLUDED IN THEIR SELLING PRICE THE FEES THEY HAD PAID FOR INSPECTION OF UNPROCESSED MEAT. ONCE PROCURED BY A PROCESSOR, MEAT WAS NOT SUBJECT TO FURTHER INSPECTION OR FEES. THE COURT THUS SAW THE GERMAN INSPECTION FEE ON ALREADY PROCESSED MEAT PRODUCTS AS A FORM OF CUSTOMS TARIFF WHICH COULD NOT BE JUSTIFIED ON OTHER THAN PROTECTIONIST GROUNDS; AND, AS THE EC COURT IN LUXEMBURG DECIDED LAST MONTH IN THE CASE OF FRG PROTECTIONIST DUTIES ON IMPORTED ALCOHOL, SUCH TARIFFS ARE CONTRARY TO THE EC TREATY.

3. COMMENT. THE MANNHEIM COURT DECISION IS A NATURAL AND LOGICAL FOLLOW-ON OF THE EC COURT ALCOHOL DECISION. THERE ARE STILL A FEW QUESTIONABLE DUTY-LIKE FEES APPLICABLE TO IMPORTS INTO THE FRG FROM EC COUNTRIES; HOWEVER, THEIR DAYS WOULD SEEM NUMBERED.
HILLENBRAND

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